

1 Stephen D. Finestone (125675)
2 Ryan A. Witthans (301432)
3 FINESTONE HAYES LLP
4 456 Montgomery Street, Floor 20
5 San Francisco, CA 94104
6 Tel.: (415) 616-0466
7 Fax: (415) 398-2820
8 Email: sfinestone@fhllawllp.com
9 Email: rwitthans@fhllawllp.com

10 Attorneys for Debtor,
11 Evander Frank Kane

12 **UNITED STATES BANKRUPTCY COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN JOSE DIVISION**

15 In re

16 EVANDER FRANK KANE,

17 Debtor.

Case No. 21-50028-SLJ
Chapter 7

**FOURTH STIPULATION TO EXTEND
TIME TO ASSUME OR REJECT
CONTRACT**

18 Debtor Evander Kane (“Kane”), Fred Hjelmset in his capacity as the Chapter 7 Trustee
19 (the “Trustee”) and the San Jose Sharks, LLC (the “SJS” and collectively with Kane and the
20 Trustee, the “Parties”) by and through their respective attorneys of record enter into the
21 following Stipulation to Extend Time to Assume or Reject Contract (the “Stipulation”):

22 Whereas, the Debtor filed the instant bankruptcy case on January 9, 2021;

23 Whereas, the Trustee is the duly appointed trustee in this matter;

24 Whereas, SJS was and remains Debtor’s employer pursuant to a contract entered into on
25 or about May 18, 2018 (the “Contract”);

26 Whereas, as part of his bankruptcy filing, Debtor filed Schedule G, which lists executory
27 contracts and unexpired leases, and Debtor included the Contract on Schedule G;

28 Whereas, the Parties previously entered into a Stipulation to Extend Time to Assume or
Reject Contract (ECF 50) and the Court entered an order (ECF 51) extending the deadline for the
assumption or rejection of the Contract to June 7, 2021, and a Second Stipulation to Extend Time

STIP TO EXTEND TIME

1

1 to Assume or Reject Contract (ECF 157), and the Court entered an order (ECF 159) extending
2 the deadline for the assumption or rejection of the Contract to September 7, 2021, and Third
3 Stipulation to Extend Time to Assume or Reject Contract (ECF 215), and the Court entered an
4 order (ECF 219) extending the deadline for the assumption or rejection of the Contract to
5 December 7, 2021; and,

6 Whereas, the Parties wish to further extend the deadline to assume or reject the Contract,
7 the Parties stipulate as follows:

8 1. The deadline to assume or reject the Contract is extended to and including March
9 8, 2022.

10 2. This Stipulation is not intended as an acknowledgment that the Contract is an
11 executory contract governed by Bankruptcy Code Section 365, nor that an assumption of the
12 Contract is required under the Bankruptcy Code for Kane and SJS to continue to comply with the
13 Contract.

14 3. This Stipulation is without prejudice to some or all of the parties further extending
15 the time to assume or reject the Contract.

16 4. The Parties request that the Court enter an order approving this Stipulation.

17 Dated: December 7, 2021

FINESTONE HAYES LLP

18
19 /s/ Stephen D. Finestone

Stephen D. Finestone
Attorneys Evander Kane

20 Dated: December 7, 2021

RINCON LAW LLP

21
22 /s/ Gregg S. Kleiner

Gregg S. Kleiner
Attorneys for Fred Hjelmeset

23
24 Dated: December 7, 2021

FOLEY & LARDNER LLP

25
26 /s/ Michael J. Small

Michael J. Small
Lewis Ziogiannis
Attorneys for San Jose Sharks, LLC

27
28 STIP TO EXTEND TIME

2